

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

EDWIN H. STIER, ESQ., AS WIND  
DOWN TRUSTEE FOR MLS  
BERKOWITZ INVESTMENTS, LLC,

*Plaintiff,*

v.

DIEGO POSSEBON, *et al.*

*Defendants.*

Case No. 3:24-cv-04647

**NOTICE OF VOLUNTARY DISMISSAL AS TO DEFENDANT UP AND EIGHT CORP.**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff Edwin H. Stier, Esq., as Wind Down Trustee for MLS Berkowitz Investments, LLC, hereby gives notice that his claims in the above-captioned action against Defendant Up and Eight Corp. are voluntarily dismissed, with prejudice.

Respectfully submitted,

**CALCAGNI & KANEFSKY, LLP**

By: /s/ Eric T. Kanefsky  
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*Attorneys for Plaintiff*

Dated: January 13, 2025

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the foregoing Notice of Dismissal to be served upon all counsel of record via the Court's CM/ECF electronic filing system.

/s/ Philip J. Morrow  
Philip J. Morrow

Dated: January 13, 2025